

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LARRY G. DOCKERY,
on behalf of himself and all others
similarly situated,

Plaintiffs,

v.

STEPHEN E. HERETICK, et al.,

Defendants,

and

NEW YORK LIFE INSURANCE CO., et al.,

Nominal Defendants.

Civil Action No. 17-cv-4114

**MOTION OF DEFENDANT, SENECA ONE FINANCE, INC., TO
DISMISS PLAINTIFFS' COMPLAINT OR, IN THE ALTERNATIVE, TO
TRANSFER ACTION TO THE EASTERN DISTRICT OF VIRGINIA**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(3), and 12(b)(6), Defendant, Seneca One Finance, Inc. ("Seneca"), hereby moves this Honorable Court for an Order dismissing Plaintiffs' Complaint, with prejudice, based on the legal arguments and authorities set forth in the accompanying Brief filed contemporaneously herewith. More specifically, Seneca seeks an Order dismissing Plaintiffs' Complaint, with prejudice, as to Seneca because (1) the Court lacks subject matter jurisdiction over Plaintiffs' claims for relief, (2) Plaintiffs fail to state a claim upon which relief may be granted, and (3) venue in this Court is improper.

In the unlikely event that the Court does not dismiss Plaintiffs' Complaint, Seneca seeks an Order, under 28 U.S.C. § 1404(a), transferring this action, at Plaintiffs' expense, to the United

States District Court for the Eastern District of Virginia “for the convenience of parties and witnesses” and “in the interest of justice.”

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: November 27, 2017

By: /s/ Samuel W. Cortes

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CERTIFICATE OF SERVICE

I, Melissa E. Scott, Esquire, hereby certify that, on November 27th, 2017, I caused true and correct copies of the Motion of Defendant, Seneca One Finance, Inc., to Dismiss Plaintiffs' Complaint or, in the Alternative, Transfer Action to the Eastern District of Virginia, and the Proposed Orders thereto to be served on the following persons via United States First-Class Mail:

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<p>Joseph C. Crawford, Esquire Charles S. Marion, Esquire A. Christopher Young, Esquire Pepper Hamilton LLP 3000 Two Logan Square 18th & Arch Streets Philadelphia, PA 19103</p> <p><i>Counsel for Purchaser Defendants, 321 Henderson Receivables LLC and J.G. Wentworth Originations LLC</i></p>	<p>Structured Settlement Investments, L.P. 4629 State Road Drexel Hill, PA 19026</p> <p><i>Purchaser Defendant</i></p>
<p>Stephen B. Harris, Esquire Susan J. Stauss, Esquire Drinker Biddle & Reath LLP One Logan Square 18th & Cherry Streets Philadelphia, PA 19103-6996</p> <p><i>Counsel for Nominal Defendants, Metropolitan Life Insurance Company and New York Life Insurance Company</i></p>	<p>Symmetra Life Insurance Company 777 108th Avenue, NE, Suite 1200 Bellevue, WA 98004-5135</p> <p><i>Nominal Defendant</i></p>

Dated: November 27, 2017

/s/ Samuel W. Cortes
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